IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

DAVID A. HOFFER,　　　　　　　　　　CASE NO. 3:20 CV 2871

　　　　Plaintiff,

　　　　v.　　　　　　　　　　　　　　　JUDGE JAMES R. KNEPP II

COMMISSIONER OF SOCIAL SECURITY,

　　　　　　　　　　　　　　　　　　　MEMORANDUM OPINION AND
　　　　Defendant.　　　　　　　　　　**ORDER**

Plaintiff David A. Hoffer seeks judicial review of an adverse social security decision under 42 U.S.C. § 405(g). This case was referred to Magistrate Judge Carmen E. Henderson for a Report and Recommendation ("R&R") under Local Civil Rule 72.2(b)(2). Judge Henderson recommends this Court reverse and remand the Commissioner's final decision and remand this case for further proceedings. (Doc. 19).

Under the relevant statute:

> Within fourteen days of being served with a copy [of a Magistrate Judge's R&R], any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

28 U.S.C. § 636(b)(1); *see also* FED. R. CIV. P. 72(b)(2). The failure to file timely written objections to a Magistrate Judge's R&R constitutes a waiver of *de novo* review by the district court of any issues covered in the R&R. *Thomas v. Arn*, 728 F.2d 813, 814-15 (6th Cir. 1984); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).

In this case, the Commissioner filed a response indicating she would not be filing objections to the R&R. (Doc. 20).

Despite the lack of objections, the Court has reviewed Judge Henderson's R&R, and agrees with the findings and recommendation therein. Therefore, the Court ADOPTS Judge Henderson's R&R (Doc. 19) as the Order of this Court. The Court REVERSES the Commissioner's final decision and REMANDS the case for further proceedings.

IT IS SO ORDERED.

 s/ *James R. Knepp II*
UNITED STATES DISTRICT JUDGE